

the Congress. The head of the installation concerned shall sign the report and forward it to the Associate Administrator for Procurement (Code HC), who shall submit it to the Administrator for the Administrator's signature and forwarding to Congress.

[60 FR 47713, Sept. 14, 1995]

Subpart 1825.70—Foreign Contracts

1825.7000 Scope of subpart.

This subpart prescribes policy and procedures for negotiating foreign contracts.

1825.7001 Definition.

Foreign contract acquisition, as used in this subpart, means the acquisition by negotiation of supplies or services, including construction work and research and development when the work is to be performed outside the United States, its possessions, and Puerto Rico by a foreign government or instrumentality thereof or by a foreign private contractor. The term does not include—

- (a) Negotiation of government-to-government agreements;
- (b) Negotiation of contracts with domestic concerns involving work to be performed outside the United States, its possessions, and Puerto Rico;
- (c) Contracts with the Canadian Commercial Corporation; or
- (d) Acquisition of books and periodicals from foreign sources of supply.

1825.7002 Policy

(a) Each contracting office (including NMO JPL) shall coordinate with the Headquarters Office of External Relations, International Relations Division (Code IR), before initiating any foreign contract acquisition if the acquisition is valued above \$100,000 or involves—

- (1) Importing or exporting goods or services from or to a country listed in 22 CFR 126.1(a) or (d) (Subchapter M, the International Traffic in Arms Regulations);
- (2) Importing or exporting Defense Articles or Defense Services on the United States Munitions List at 22 CFR part 121 which require NASA to obtain a license from the State Depart-

ment's Office of Defense Trade Controls;

(3) Exporting goods or services on the Commerce Control List at 15 CFR part 799 and that require NASA to obtain either a Special or an Individual Validated License;

(4) Importing and/or exporting goods or services from or to an entity listed in 15 CFR part 788, Supplements 1 through 4; or

(5) Exporting and/or importing of goods, technology, or services to or from any entity subject to transaction control, embargo, or sanctions pursuant to 31 CFR Chapter V.

(b) All coordination required between NASA and the Departments of Commerce, State, and Treasury regarding foreign contract acquisitions shall be accomplished through Headquarters Code IR. The Headquarters designated points of contact for issues related to particular foreign procurement acquisition is Code HK in the Office of Procurement, Code GK in the Office of General Counsel, and Code IR in the Office of External Relations. Deviation requests shall be made in accordance with 48 CFR part 1801.471 and shall be coordinated prior to or during negotiations.

[60 FR 37599, July 21, 1995]

1825.7003 Procedure.

The Headquarters or field installation technical office requiring a foreign contract acquisition meeting any of the criteria listed in 1825.7002 shall submit the following information to Headquarters Code IR—

- (a) The name of the foreign entity, the country or countries involved, and the purpose of the contract;
- (b) The Space Act agreement(s) involved (pursuant to NMI 1050.9), if any;
- (c) A description of the goods or services requiring prior written approval or the issuance of the license for their import or export from the Departments of Commerce, State, or Treasury; and
- (d) The reason why the procurement is being placed with a foreign entity.

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